

**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION**

Meeting Date: May 21, 2018

Item: Amendment to City Code – Amend Title 9 (Zoning), Chapter 6 (Commercial, Office and Industrial Zoning District) to allow within the general industrial zoning district uses related to Used Car Dealers– Reid Tamisiea – (AO-003877-2018)

Request Action: Recommend approval of an amendment to City Code

Case Advisor: Kara V. Tragesser, AICP 

Applicant's Request: Reid Tamisiea, developer of West Green Industrial park at 175 S. 9th Street, is requesting an amendment to City Code to allow used car dealers (SIC 5521) as permitted uses within the General Industrial zoning district. The request stems from a potential tenant/buyer of an industrial condominium units that has a used car collection and will be selling a few cars per year. For this he needs an Iowa dealer's license and the proper zoning.

- Title 9 (Zoning):
 - Chapter 6 (Commercial, Office, and Industrial Zoning District), Section 6 (Commercial, Office, and Industrial Use Regulations), Paragraph C. Table 6.1 Use Matrix

City Council Subcommittee: This item was discussed at the April 30, 2018, Development and Planning City Council Subcommittee. The subcommittee was supportive of the change to the ordinance, so long as the use has a showroom that is indoors only and that the proper amount of parking is available.

Staff Review and Comment: There are no outstanding issues.

Noticing Information: On May 17, 2018, notice of the May 21, 2018, Plan and Zoning Commission and the May 29, 2018 City Council public hearings for this amendment was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

- Attachment A – Plan and Zoning Commission Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-18-036

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT) TO ALLOW WITHIN THE GENERAL INDUSTRIAL DISTRICT USED CAR DEALERS (SIC 5521)

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, Reid Tamisiea requests an amendment to Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 6 (*Commercial, Office and Industrial Use Regulations*), Table 6.1 to permit use car dealers (SIC 5521) in the General Industrial zoning district;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to city code;

WHEREAS, this Commission did consider the application for an amendment to the city code;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-003877-2018) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on May 21, 2018.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on May 21, 2018, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Prepared by: K Trageser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
 When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014 BY AMENDING TITLE 9 (ZONING), CHAPTER 6 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONING DISTRICT) TO ALLOW USED CAR DEALERSHIPS (SIC 5521) WITH INDOOR SHOWROOMS IN THE GENERAL INDUSTRIAL DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9 (*Zoning*), Chapter 6 (*Commercial, Office and Industrial Zoning District*), Section 6 (*Commercial, Office and Industrial Use Regulations*), Table 6.1 – Use Matrix, is hereby amended by adding the text in bold italic lettering:

C: TABLE 6.1 – Use Matrix:

SIC CODES	RC	CMC	NC	CVC	SC	VJC	VJHB	WR	BP	VJLI	LI	GI	OF	PCP	OS
55 Automotive Dealers and Service Stations															
552 Used Car Dealers					Pc			Pc							
5521 Used Car Dealers – Indoor Showroom Only					Pc			Pc				Pc			

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 3. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 4. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 5. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2018, and approved this _____ day of _____, 2018.

Steven K. Gaer, Mayor

ATTEST:

Ryan T Jacobson
City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2018, and was published in the Des Moines Register on _____, 2018.

Ryan T. Jacobson
City Clerk